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Vincent De Giovanni, et al. v. Jani-King International, Inc., et al.

Transcript of the Testimony of:

Donald Albin Burleson

April 28, 2009

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Donald Albin Burleson 4/28/2009
Vincent De Giovanni, et al. v. Jani-King International, Inc., et al.

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VINCENT DE GIOVANNI, MARIETTE
BARROS, and all others similarly
situated,

Plaintiffs,

vs.

Civil Action
No. 07-10066

JANI-KING INTERNATIONAL, INC.,
JANI-KING, INC., and JANI-KING
OF BOSTON, INC.,

Defendants.

DEPOSITION OF DONALD ALBIN BURLESON, a witness
called by and on behalf of the Plaintiffs, taken
pursuant to Rule 30 of the Federal Rules of Civil
Procedure, before James A. Scally, RMR, CRR, a Notary
Public in and for the Commonwealth of Massachusetts,
at the offices of Pyle, Rome, Lichten, Ehrenberg &
Liss-Riordan PC, 18 Tremont Street, Boston,
Massachusetts, on Tuesday, April 28, 2009, commencing
at 9:09 a.m.

Donald Albin Burleson 4/28/2009
Vincent De Giovanni, et al. v. Jani-King International, Inc., et al.

Page 2

A P P E A R A N C E S

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Donald Albin Burleson 4/28/2009
Vincent De Giovanni, et al. v. Jani-King International, Inc., et al.

Page 6

1 M, are you informed as to those topics?

2 A. I'm not sure what you mean by informed. I -- I
3 have general knowledge. I don't know what -- not to be
4 smart, I just don't know what informed --

5 MR. RUBENSTEIN: Let me just object
6 for a second and note there's been a
7 protective order filed with respect to
8 these that also includes parts of paragraph
9 J, not all of it, but there's a reference
10 in paragraph J for something to do with the
11 insurance. Just so the record's clear.
12 Those are the topics for which we have
13 objection to.

14 Q. Mr. Burleson, it's my understanding your attorneys
15 are objecting to testimony as to paragraphs K, L, and M,
16 and a small portion of paragraph J. But would you be the
17 30(b)(6) deponent for those topics if they were to go
18 forward?

19 MR. PRESSMAN: Objection.

20 Q. If you know.

21 A. I don't know.

22 Q. What does Jani-King International do?

23 A. Jani-King International is the parent corporation
24 for two subsidiary corporations, both of which operate

1 Jani-King franchising systems. One side is a franchisor of
2 master franchises; that's Jani-King Franchising, Inc. The
3 other subsidiary, Jani-King, Inc., is a holding company for
4 a number of subsidiaries, wholly-owned subsidiaries that
5 franchise Jani-King Franchising systems, sell franchises in
6 the domestic US. Jani-King International, in addition to
7 being the holder of the trademarks and the owner of the
8 confidential information, the system of Jani-King also
9 provides some support to various subsidiaries.

10 Q. What type of support does it provide?

11 A. Some operational support, some software design
12 computer support, accounting functions, and some management
13 as well.

14 MS. SCHWAB: Okay. Should we mark
15 the exhibit.

16 MR. SUGERMAN-BROZAN: It's 93.

17 (Exhibit 93, amended notice of
18 deposition, marked.)

19 Q. What software design specifically does Jani-King
20 International have involvement in?

21 A. Well, we have an IT department that we have our
22 own customized software for franchisee accounting, some
23 corporate accounting functions.

24 Q. Is that the software that records all the